

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 2, 1957
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by DR. E. B. BRATCHER, Tarrytown Baptist Church, 2620 Exposition Boulevard.

Councilman Pearson moved that the Minutes of April 25, 1957, be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

MR. THOMAS PERKINS, Lake Austin Yacht Club, requested that the Council proclaim Thursday, May 9th, "LAKE AUSTIN CLEAN UP DAY"; that the Yacht Club would like to help out and ask the assistance of other boat owners to meet at the dam and pick up debris and clean up the lake before the big Water Show which the Civitan Club is sponsoring on May 10-12. Mayor Miller expressed appreciation to the boat owners and the Yacht Club and stated a proclamation would be signed.

MRS. JAMES D. COPE, 2508 Ellise, submitted a petition requesting that the entrance of Northwest Park be connected with Pegram Street, and that the entrances and exits by way of Ellise and Albata Streets be permanently closed, and that all traffic signs be altered to reroute park traffic away from the residential area wherein the petitioners lived. It was brought out that easements for opening Pegram had been secured, and that bad weather had held up the work on this street. Mrs. Cope asked that something be done about the speed on these streets (Ellise, Albata and Daugherty) as there was a lot of racing. The Mayor requested that warning signs be put up, and that a 20 mile speed limit be set up, and that the other street be opened as soon as possible.

The Director of Public Works did not believe it would be necessary to close those streets entirely when Pegram was opened, as traffic naturally would go down Pegram, and signs would be in place directing the traffic. Later in the meeting Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles at the following locations is less than thirty miles per hour; and,

WHEREAS, after said investigation the City Council has found that the maximum reasonable and safe speed for the operation of vehicles is twenty (20) miles per hour at the following locations:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Pegram Avenue	Burnet Road	Vine Street
Ardath Street	Albata Avenue	Ellise Avenue
Ellise Avenue	Ardath Street	Daugherty Street
Albata Avenue	Ardath Street	Daugherty Street
Daugherty Street	Pegram Avenue	Albata Avenue

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

MR. VIRGIL R. GUNN, 1809 East 39th Street had a drainage problem which he presented to the Council. He claimed the drains had eroded his property. This problem, he stated had existed since 1954 at which time a petition had been filed to get the property walled up, and he asked that this request be followed through. The Director of Public Works reviewed the matter, and stated he had been watching this very closely especially the past 18 days, and that no further erosion had taken place. It was going to be an expensive project, and he wanted to do more checking on it. The Council wanted to make a personal inspection of the situation.

MRS. JEAN GOODMAN, 1109 Justin Lane, appeared requesting permission to operate a beauty parlor in her home. Application for change of zoning has been filed and due to come before the Council on June 20th. She wanted permission to begin her operations now, as she had her shop ready to open. The Council took no action at this time.

The Council had before it the appeal of the BAPTIST FOUNDATION OF TEXAS from the City Planning Commission's denial of application for special permit to construct a service station at the intersection of San Jacinto Boulevard and Duval Street. MR. TRUEMAN O'QUINN represented the Baptist Foundation of Texas, giving a layout of the property in the neighborhood and of the commercial development across the street. The objections made as to the set back and signs could be overcome and adjusted. MR. M. H. CROCKETT protested the granting of a special permit to permit a filling station at this location, and stated he was to express opposition in behalf of MRS. J. A. KING, MRS. LESLIE A. COLWELL opposed the granting of a special permit. MR. ROBERT SNEED, representing Delta Tau Delta, also appeared in opposition. MRS. McRAE, 302 East 26 $\frac{1}{2}$ Street and others were opposed to a filling station. MRS. MONROE O. HAGN asked that when studying this, that the Council look into the building permit as issued on the duplex built by the Presbyterian Church, as the drive is so located that the people have to come on her lot to get in and out. Members from the BAPTIST FOUNDATION spoke. The Council deferred action until it could make a personal inspection of the area and traffic.

The appeal by PAUL H. PFEIFER from the decision of City Planning Commission regarding paved streets in "Club Heights" was set for hearing before the Council for 10:30 A. M., May 16th.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 23, 1957, for one 33,000/44,000/55,000 KVA Transformer described in City of Austin Specifications E-325 to be used with Generator No. 9 at the City Power Plant; and,

WHEREAS, the bid of General Electric Company in the sum of \$145,047.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Electric Utility and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of General Electric Company in the sum of \$145,047.00 be and the same is hereby accepted and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with General Electric Company.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

MR. PEARCE JOHNSON inquired about the zoning application of ROLLINS MARTIN, 1170E-1174E Webberville Road. The Mayor announced that action on this had been postponed until the following week.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING: (1) A TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE, LOCALLY KNOWN AS 2212-2306 HANCOCK DRIVE AND 2129-2233 NORTH LOOP BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (2) SOUTH 53 FEET OF LOTS 1, 2 AND 3, BLOCK 2, POST ROAD ADDITION, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) LOTS 12, 13 AND 14, BLOCK 10, AND THE WEST 1/2 OF LOTS 1, 2, AND 3, BLOCK 9, FRUTH ADDITION, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (4) LOTS 1, 2, 3, 4, 29, 30, 31 AND 32, BLOCK 42; LOTS 15, 16, 17, 18, 19 AND 20, BLOCK 47, AND THE EAST 67.5 FEET OF LOTS 1 AND 2, BLOCK 43, THE HIGHLANDS, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (5) LOTS 9 AND 10, BLOCK 7, BROADACRES, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (6) PORTION OF LOT 31, PAUL SIMMS SUBDIVISION, FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (7) A TRACT OF LAND LOCALLY KNOWN AS 9401-9407 INTERREGIONAL HIGHWAY AND 800 EAST RUNDBERG LANE, FROM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; (8) A TRACT OF LAND LOCALLY KNOWN AS 3702 EAST AVENUE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND (9) (a) LOTS 11, 12 AND EAST 9 FEET OF LOT 13, BLOCK C, LA PRELLE COURTS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT AND (b) WEST 20 FEET OF LOT 13, BLOCK C, LA PRELLE COURTS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Mayor announced that the ordinance had been finally passed.

MR. PEARCE JOHNSON submitted a letter (on file under ELECTRIC-Rates) to the members of the Council asking that the electrical rate for the Colorado Common School District be reduced to the same level as is charged the Austin Independent School District. He stated the Colorado School District did receive Federal Aid; that it relieved the Austin Independent School District of approximately 500 scholastics for which it would have to provide an education with no government aid. He listed the amounts as follows:

1955-56 Total Expenditure not including assistance from the Federal Government	\$138,690.40
Total Amount contributed by Government for maintenance and operation	41,199.90
1956-57 Expenditures Federal grant	\$169,201.00 plus 59,386.80

The Council took no action, as it wanted to look into the matter.

MR. TRUEMAN O'QUINN asked that the zoning application of C. T. USELTON at 6000-6004 Cameron Road and 1126-1132 Clayton Lane be sent back to the Planning Commission for a study of "C-1" Commercial on the front of the lot rather than "GR" General Retail, as when the matter of the right-of-way came up, Mr. Uselton would lose 6200', and he wanted to try to find another type of tenant. His plan now would be a type of operation similar to the 7-Eleven Stores. Councilman Long moved that it be sent back to the Planning Commission for restudy as requested by the applicant. The Council agreed to send it back.

The Council agreed to take action on the zoning application of LOUIS C. HAUSMAN, JR., 6018-6102 Cameron Road, next week, when the written agreement regarding right-of-way was brought in.

MAYOR MILLER expressed the appreciation of the people of Austin and of the Council to the L.C.R.A. for the magnificent way they handled the floods; and to the people that originated these dams, PRESIDENT FRANKLIN ROOSEVELT, SENATOR JAMES P. BUCHANAN, and SENATOR LYNDON B. JOHNSON and others, who made it possible to save the people below Austin untold damages.

The following zoning, deferred from last week, was brought up for action:

CARRET CORPORATION	706-710 West 17th Street	From "A" Residence
	1706 West Avenue	To "O" Office
		RECOMMENDED by the
		Planning Commission

Councilman Long moved that the change be granted to "O" Office. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White
 Noes: Councilman Palmer, Mayor Miller

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

MISS JAMIE F. PALM	7607-7709 Burnet Road	From "A" Residence
		To "GR" General Retail
		RECOMMENDED by the
		Planning Commission

The Mayor asked those who wished to grant the change to "GR" General Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance.

The Council had before it the paving of the alley between Avondale Road, Travis Heights Boulevard, Milam Place and Alta Vista. The Mayor noted the following letter:

"To The Austin City Council;-

"As you know I have endeavored to be neutral on the pending Alley discussion concerning the block in which I live in Travis Heights. That is, so far as opening or closing is concerned. I do not see the value of the expenditure sought to be made in the item of paving. The opening, would in my opinion, damage not only my home property, but my property across the street north of the north end of the Alley on Avondale, because of the rush of water off the steep contour at the point.

"Since others in the area feel they would be benefited, I could not oppose nor advocate without perhaps being selfish, therefore my neutrality.

When it comes to charging or assessing me for a paving program however on something which will hurt rather than help, I cannot be neutral on that point. I protest any such contemplated action if such there be.

"I have driven over Travis Heights and observed the blocks on which there are alleys. Out of the great number of blocks in the area I could not find but nine which are in any sense being used. Most of these are unkept, eroded and unsanitary. It goes without saying that alleys are outmoded in city planning. Personally, were I looking for a lot to purchase, I would not buy one where there was an alley on it. I find no fault with anyone who may differ with me and thereby want an alley. I hope I am not asked to or any effort made to assess me for paving something which will not help my property but injure it. Especially since so few would benefit in any degree whatever and the public generally would in no sense be served. In my drive, I did find many streets which are washed and badly eroded and need paving badly. With that condition it is evident that to spend \$2600.00 on paving an alley would be an economic waste.

"I have just paid out \$584. for paving my portion of Avondale Road to the west of Travis Blv'd. The East end of Avondale Road from Travis Hts. Blv'd. is badly in need of paving. I have been ready and willing for some time to pay my portion of that street. The proponents of such a petition have been unable to secure 3/4 of the properties on that project. In this the public would be served and the City's general paving program advanced that much more. I can find many many places where the cost of paving the alley could be much better placed. The street above mentioned which has just been paved was done at about 15 cents per sq.ft., whereas the alley estimate runs about three times that amount per sq.ft. If it is to be hardsurfacted at all, why not use the same type of construction as was used on Avondale Road. There is little or no difference in the grade of the two. There is one block on Travis Hts where a portion of the alley has been paved. The precedent having been set whereby a portion was paved without the entire alley, brings forth the idea that if there are those who want to pay for paving an alley, let them do so on their portion without the necessity of burdenening those who may not so desire.

(Sgd) W. R. Nabours"

After discussion, Councilman Long moved that the City Manager be instructed to draw up the necessary instruments to open and pave the alley-- the necessary instruments to make this legal. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller**
Noes: Councilman Pearson***

*Councilman Long stated they could not comply, as two of the property owners owned more than 25% of the property involved.

**Mayor Miller made the statement that this had been under discussion and study for many months; and the majority of the people wanted the alley opened. It was to be paved with concrete and material that will hold against rains as had been prevalent the last few weeks; and one end will be a sharp grade, and he voted to go on and open it.

***Councilman Pearson voted against the motion with the following statement:

"I am voting 'no' because we voted if they would put up 75% of the money that we would vote for it; and since they have been completely unable to comply, I do not feel justified in proceeding with the paving of the alley."

The Council considered the following zoning applications, decisions having been deferred from the past week:

D. F. GRIGG	2904 San Gabriel Street	From "A" Residence To "GR" General Retail RECOMMENDED by the Planning Commission
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The City Attorney to prepare ordinance when he gets the deed setting aside the required right-of-way.

CHARLES D. MADISON	2411-2413 East 12th Street	From "A" Residence To "C" Commercial NOT Recommended by Planning Commission
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Action was postponed until next week.

EDWARD FLORES, JR.	1135-D Ebert Avenue	From "A" Residence To "LR" Local Retail NOT Recommended by Planning Commission
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The Council tabled this zoning application.

Councilman Palmer introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6, of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 101.67 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE A. W. CANFIELD SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Nees: None

The ordinance was read the first time and Councilman Palmer moved that

the ordinance be passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THE PORTION OF A STREET KNOWN AS MANOR ROAD WHICH LIES BETWEEN LOVELL DRIVE AND NOLEN STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGEWAY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 30, 1957, for the construction of a reinforced concrete culvert on Avenue F - Contract No. 57-D-18; and,

WHEREAS, the bid of Richard Schmidt in the sum of \$5,915.93 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Richard Schmidt in the sum of \$5,915.93 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Richard Schmidt.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 30, 1957, for the construction of a storm sewer in West 19th Street from Lamar Boulevard east to Lamar Boulevard Easement and in Lamar Boulevard Easement from West 19th Street to Old West 19th Street - Contract No. 57-D-19; and,

WHEREAS, the bid of Joe Bland Construction Company, in the sum of \$6,155.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Joe Bland Construction Company in the sum of \$6,155.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Joe Bland Construction Company.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 23, 1957, for the construction of a mechanic's workshop at the Police and Courts Building; and,

WHEREAS, the bid of C. Ben Hibbetts in the sum of \$11,855.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of C. Ben Hibbetts in the sum of \$11,855.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with C. Ben Hibbetts.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Pearson suggested that the Legal Department be instructed to draw some type of working agreement with the gravel companies that would be to the best interests of the city, and include also the taking of gravel from the lake. The Council discussed the matter thoroughly. It was suggested that since the City did intend to build a low water dam some day, that it would need someone to design it and make a survey and study of the whole river valley. After discussion, the Mayor called a meeting with MR. R. E. JAMES at 3:00 P.M. next Thursday afternoon.

Councilman Long moved that they not act on drawing up any contract with anybody regarding the river until further engineering studies are made. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller stated he would contact Congressman Homer Thornberry to see if any branch of Government would furnish engineering for the low water dam. Councilman Long asked if he would also ask if a geological survey up and down the river would be made.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council proposes to amend the Zoning Ordinance of the City of Austin and the accompanying USE District Maps of the City so as to change the USE designation from "A" Residence USE District to "GR" General Retail USE District with reference to the hereinafter described property, to wit:

- 1st. All those portions of Lots Nos. 21, 22 and 23, Block "E" R. C. Lambie's Resubdivision of Voss Addition which lie east of the east right of way line of Interregional Highway.
- 2nd. All those portions of Lots Nos. 6 and 7, Block "E" R. C. Lambie's Resubdivision of Voss Addition which lie east of the east right of way line of Interregional Highway.
- 3rd. All those portions of Lots Nos. 3, 4, and 5 of Block "B" R. C. Lambie's Resubdivision of Voss Addition which lie east of the east right of way line of Interregional Highway;

and,

BE IT FURTHER RESOLVED that said proposed amendment to said ordinance and maps be referred to the Planning Commission for hearing, consideration and report to the City Council.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by its passage of House Concurrent Resolution 43, a copy of which is attached hereto and made a part hereof, the 55th Legislature of the State of Texas dedicated certain tracts of land to the City of Austin for street, sanitary sewer, or drainageway purposes; and,

WHEREAS, such dedications are acceptable to the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That such dedications be, and the same are hereby accepted for the purposes indicated.

(Attachment)

"House Concurrent Resolution No. 43 By: Sandahl

"WHEREAS the convenience, health and safety of the citizens of Texas and the servants, agents and employees of the State in the interest of the public health system of the state, makes it necessary and desirable to provide adequate access, drainage and sewage disposal facilities for the new laboratory and offices of the Texas Health Department; and,

WHEREAS, it has been determined that such adequate access in such laboratory and offices together with adequate drainage of the area may be obtained only by the widening of various streets which abut state owned property in the area thereof and the extension of various other streets across state owned property in such area; and the enlargement or creation of certain storm and sanitary sewers; and,

WHEREAS it has been determined that each of the following described tracts should be dedicated to the City of Austin for street, sanitary sewer, or drainage purposes.

For Street Purposes

3.603 acres of land, same being out of and a part of that certain tract of land, a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and all of Outlots 82 and 83, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of

the said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the State of Texas by warranty deed dated March 26, 1883 of record in volume 55 at page 246 of the Deed Records of Travis County, Texas; said 3.603 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument at the present northwest corner of the said State of Texas tract of land described in deed of record in Volume 55 at page 246 of the Deed Records of Travis County, Texas;

THENCE with the present north line of the said State of Texas tract, same being the north line of the herein described tract of land, S. $59^{\circ} 34'$ E. 80.00 feet to an iron pin at the northeast corner of the herein described tract;

THENCE, with the east line of the herein described tract of land, same being the proposed east line of Sunshine Drive, S. $30^{\circ} 07'$ W. 1674.70 feet to an iron pin set on the curving west line of Lamar Boulevard, said curve having an angle of intersection of $38^{\circ} 52'$, a tangent distance of 422.06 feet and a radius of 1196.28 feet;

THENCE, following said curve to the left, an arc distance of 291.89 feet, the sub-chord of which arc bears S. $39^{\circ} 17'$ W. 298.77 feet to a concrete monument at the point of tangency of said curve;

THENCE, S. $32^{\circ} 18'$ W. 373.98 feet to the southeast corner of the herein described tract, same being a point in the north line of West 45th Street;

THENCE, with the north line of West 45th Street, same being the south line of the herein described tract of land, N. $89^{\circ} 57'$ W. 19.30 feet to an iron pin set at the southwest corner of this tract, same being the present southwest corner of the State of Texas tract of land; and which iron pin is on the proposed west line of Sunshine Drive;

THENCE, with the west line of the said State of Texas tract of land, same being the proposed west line of Sunshine Drive N. $30^{\circ} 07'$ E. 2335.48 feet to the point of beginning.

For Street Purposes

Two (2) tracts of land each of the said (2) tracts of land being ten (10.00) feet in width and each being out of and a part of that certain tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas which was conveyed to the Texas State Department of Health by House Bill No. 140 of the 54th Legislature of the State of Texas each of the said two (2) tracts of land ten (10.00) feet in width being more particularly described as follows:

NO. 1 Being all of the north ten (10.00) feet of the said Texas State Department of Health tract of land;

NO. 2 Being all of the west ten (10.00) feet of the said Texas State Department of Health tract of land.

For Street Purposes

0.220 of one acre of land, same being out of and a part of that certain tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas which was conveyed to the Texas State Department of Health by House Bill No. 140 of the 54th Legislature of the State of Texas and which 0.220 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument at the southwest corner of the said Texas State Department of Health tract of land;

THENCE, with the west line of the said Texas State Department of Health tract of land, N. 29° 58' E. 15.00 feet to an iron pin, for the northwest corner of the herein described tract of land, said iron pin being on the proposed north line of West 49th Street;

THENCE with the proposed north line of West 49th Street S. 59° 55' E. 639.77 feet to an iron pin set on the east line of the said Texas State Department of Health tract of land, same being the northeast corner of the herein described tract and from which iron pin, a concrete monument at an ell corner of the said Texas State Department of Health tract bears, N. 30° 07' E. 523.56 feet;

THENCE, with the east line of the said Texas State Department of Health tract, same being the east line of the herein described tract, S. 30° 07' W. 15.00 feet to a point;

THENCE, with the south line of the said Texas State Department of Health tract, same being the south line of the herein described tract, N. 59° 55' W. 639.73 feet to the point of beginning.

For Street Purposes

0.955 of one acre of land, same being out of and a part of that certain tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas, which was conveyed to the Texas State School for the Blind by Warranty Deed dated November 3, 1915 of record in Volume 277 at Page 286 of the Deed Records of Travis County, Texas, which 0.955 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument set at the present most northerly northwest corner of the said Texas State School for the Blind tract of land, same being the northwest corner of the herein described tract of land and the southwest corner of the Texas State Department of Health tract as described in House Bill No. 140 of the 54th Legislature of the State of Texas;

THENCE, with the present north line of the said Texas State School for the Blind tract of land same being the north line of the herein described tract and the south line of said Texas State Health Department tract, S. 59° 55' E. 639.73 feet to the northeast corner of the said Texas State School for the Blind tract of

land, same being the southeast corner of the said Texas State Health Department tract of land;

THENCE, with the east line of the said Texas State School for the Blind tract, S. $30^{\circ} 07'$ W. 65.00 feet to an iron pin at the southeast corner of the herein described tract, same being on the proposed south line of West 49th Street;

THENCE, with the proposed south line of West 49th Street, N. $59^{\circ} 55'$ E. 639.63 feet to an iron pin set on the most easterly north line of the said Texas State School for the Blind tract of land;

THENCE, with the most easterly north line of the said Texas State School for the Blind tract of land, N. $29^{\circ} 58'$ E. 65.00 feet to the point of beginning.

For Sanitary Sewer Purposes

A strip of land fifteen (15.00) feet in width, same being out of and a part of Outlots 79 and 80, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of the said Government Outlots on file in the General Land Office of the State of Texas, which Outlots 79 and 80 were conveyed to the State of Texas by the following two (2) warranty deeds:

(1) Dated April 14, 1857 of record in Volume L, at Page 366-367 of the Deed Records of Travis County, Texas.

(2) Dated February 18, 1858 of record in Volume M at Page 129 of the Deed Records of Travis County, Texas.

And being out of and a part of that certain tract of land out of the Thomas Gray Survey in the City of Austin, Travis County, Texas, which was conveyed to the State of Texas by Warranty Deed dated January 16, 1867 of record in Volume Q at page 674 of the Deed Records of Travis County, Texas; the centerline of said strip of land fifteen (15.00) feet in width being more particularly described as follows:

BEGINNING at a point in the south line of the said State of Texas tract of land, same being the north line of West 38th Street and from which point of beginning the southeast corner of the said State of Texas tract bears S. $68^{\circ} 14'$ E. 7.50 feet;

THENCE, following the centerline of said strip of land fifteen (15.00) feet in width same being a line seven and one-half (7.5) feet west of and parallel to the east line of the said State of Texas tract, with the following two (2) courses:

(1) N. $29^{\circ} 51'$ E. 497.32 feet to a point;

(2) N. $30^{\circ} 06'$ E. 506.72 feet to a point;

THENCE N. $25^{\circ} 40'$ E. 372.54 feet to a point;

THENCE N. $49^{\circ} 36'$ E. 86.20 feet to a point;

THENCE following said line seven and one-half (7-1/2) feet west of and parallel to the east line of the said State Hospital tract, N. 30° 06' E. 1910.04 feet to point of termination on the north line of the said State of Texas tract of land and from which point of termination a concrete monument set at the point of intersection between the centerline of West 45th Street which lies to the east of Guadalupe Street, and a line ten (10.00) feet east of the centerline of Guadalupe Street, bears S. 30° 06' W. 44.81 feet and S. 59° 64' E. 57.50 feet;

And in addition thereto a temporary working space easement twenty (20.00) feet in width to cover period of original installation is to be retained adjacent and parallel to the west line of the easement described above.

For Sanitary Sewer Purposes

A strip of land ten (10.00) feet in width, same being out of and a part of that certain tract of land, a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and all of Outlots 82 and 83, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of the said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the State of Texas by warranty deed dated March 26, 1883 of record in Vol.55, at page 246-247 of the Deed Records of Travis County, Texas, and being out of and a part of that certain tract of land out of the Thomas Gray Survey in the City of Austin, Travis County, Texas, which was conveyed to the State of Texas by warranty deed dated March 14, 1883, or record in Volume 55 at page 247-248 of the Deed Records, Travis County, Texas; the centerline of the said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at a point on the Southeast line of Lamar Boulevard and from which point of BEGINNING a concrete monument at the point of curvature of a curve in the said Southeast line of Lamar Boulevard whose angle of intersection is 38° 52', whose tangent distance is 386.78 feet and whose radius is 1096.28 feet, bears South 71° 10' West 342.25 feet;

THENCE, South 19° 19' East 31.90 feet to a point;

THENCE, South 45° 25' East 601.85 feet to point of termination on the West line of West Guadalupe Street and from which point of termination the point of curvature of a curve in the West line of the said West Guadalupe Street whose angle of intersection is 24° 43', whose tangent distance is 240.82 feet and whose radius is 1099.10 feet, bears South 5° 33' East 1000.38 feet;

AND in addition thereto a temporary working space easement twenty (20.00) feet in width to cover period of original installation is to be retained adjacent and parallel to the North line of the easement described above.

For Drainageway Purposes

Four (4) strips of land, each of the said four (4) strips of land being out of and a part of that certain tract of land, a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and all of Outlots 82 and 83, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the State of Texas by Warranty Deed dated March 26, 1883 of record in Volume 55 at page 246 of the Deed Records, Travis County, Texas, the strip of land hereinafter described as No. 1 being fifteen (15.00) feet in width the strip of land hereinafter described as No. 2 being twenty (20.00) feet in width, the strip of land hereinafter described as No. 3 being thirty (30.00) feet in width, the strip of land hereinafter described as No. 4 being thirty (30.00) feet in width, the centerline of each of the said four (4) strips of land being more particularly described as follows:

NO. 1 Beginning at a point on the present North line of the said State of Texas tract of land, same being the southwest corner of Lot 31 of N. A. Ladd Addition according to a map or plat of the said N. A. Ladd Addition of record in Book 3 at page 48 of the Plat Records of Travis County, Texas, from which point of beginning the northeast corner of the said State of Texas tract bears S. $59^{\circ} 34'$ East 138.00 feet more or less;

THENCE, S. $63^{\circ} 25'$ W. 566.36 feet to point of termination;

NO. 2 Beginning at a point on the present north line of the said State of Texas tract and from which point of beginning a concrete monument at the present northwest corner of the said State of Texas tract bears North $59^{\circ} 34'$ W. 146.70 feet;

THENCE, S. $7^{\circ} 05'$ E. 598.86 feet to point of termination, same being point of termination of the easement described above as No. 1.

NO. 3 Beginning at a point in the northwest line of Lamar Boulevard and from which point of beginning a concrete monument at the point of curvature of a curve whose angle of intersection is $41^{\circ} 27'$, whose tangent distance is 414.39 feet and whose radius is 1095.22 feet bears N. $71^{\circ} 10'$ E. 24.52 feet;

THENCE, N. $6^{\circ} 31'$ E. 389.36 feet to point of termination, same being points of termination of the easements described above as Nos. 1 and 2.

NO. 4 Beginning at a point on the W. line of the said State of Texas tract of land, and from which point of beginning a concrete monument at the present northwest corner of the said State of Texas tract bears N. $30^{\circ} 07'$ E. 563.56 feet;

THENCE, S. $59^{\circ} 55'$ E. 546.13 feet to point of termination on the centerline of the strip of land described above as No. 3; and,

WHEREAS, the area to the north and west of an 84.12 acre tract of land belonging to the State of Texas, and located in Austin, Travis County, Texas has in recent years been developed by the construction of houses and paved streets; and,

WHEREAS, the volume of runoff water which must cross said 84.12 acre tract has been greatly increased by such construction of houses and paved streets in said area; and,

WHEREAS, the presently existing 25 foot drainage easement across such land is no longer adequate to accommodate such runoff water, thereby causing flooding of such land and the creation of an unhealth condition and lessening the value of such land; and,

WHEREAS, it has been determined that adequate drainage for such area will be afforded by an increase in the size of such drainage easement, to a width of 50 feet, and that such increase in width to remove such unhealthy condition may be accomplished by dedicating the following described tract to the City of Austin for Drainage purposes:

For Drainageway Purposes

A strip of land twenty-five (25) feet in width, same being out of and a part of that certain 84.12 acre tract of land out of the James P. Wallace Survey in the City of Austin, Travis County, Texas, which was conveyed to the State of Texas by Warranty Deed dated January 13, 1908 of record in Volume 217 at Page 465, Deed Records, Travis County, Texas, said strip of land being the East twenty-five (25) feet of that portion of said State of Texas 84.12 acre tract which lies south of the south line of a tract of land out of said 84.12 acre tract which was conveyed by the State of Texas to the Austin Independent School District by patent dated July 18, 1949 of record in Volume 961 at Page 292 of the Deed Records of Travis County, Texas; and,

WHEREAS, the City of Austin in Travis County, Texas, has in recent years experienced tremendous growth in the form of residential subdivisions in both its northeast and northwest areas, thereby creating a great increase in the amount of east-west traffic which must be handled by a few narrow and crooked cross-town streets; and,

WHEREAS, the increase of traffic on such narrow and crooked cross-town streets has created serious traffic hazards which threaten the lives and property of persons using such streets; and,

WHEREAS, the City of Austin has evolved a plan of straightening and widening certain cross-town streets in an effort to minimize the traffic hazards now existing on such streets; and,

WHEREAS, as a part of said plan, the City of Austin proposes to establish an east-west boulevard, eighty (80) feet in width, along West Thirty-Eighth Street in said City, and as a part of such project, West Thirty-Eighth Street must be widened and straightened from Guadalupe Street westerly to Lamar Boulevard; and,

WHEREAS, the State owned grounds of the Austin State Hospital abut the north side of West Thirty-Eighth Street from Guadalupe Street westerly to Lamar Boulevard, and the establishment and development of the proposed boulevard will greatly enhance the value of the State Hospital property, and will minimize the danger of automobile accidents on such street; and,

WHEREAS the City of Austin has agreed to perform any fence or house moving that may be necessary before such widening of West 38th Street may be accomplished provided, however, that the Austin State Hospital will not construct any new improvements nearer than twenty-five feet to the proposed north line of West 38th Street; and,

WHEREAS, the necessary widening of such street may be accomplished by the dedication of the hereinafter described tract to the City of Austin for street purposes,

For Street Purposes

A strip of land twenty-two and one-half (22.5) feet in width, same being out of and a part of Outlot 79 in Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which Outlot 79 together with other property, was conveyed to the State of Texas by Warranty Deed dated April 4, 1857 of record in Volume L at Page 366-367 of the Deed Records of Travis County, Texas, said strip of land being the South Twenty-two and one-half (22.5) feet of the Texas State Hospital for the Insane Tract, lying adjacent to the present north line of West 38th Street and extending from the east line of Lamar Boulevard to the West line of Guadalupe Street; and,

WHEREAS, West 35th Street, in the City of Austin, Travis County, Texas is the front street and access way to Camp R.M. Hubbard, Camp Mabry, and the Austin State School; and,

WHEREAS, the above mentioned state owned lands abut both sides of West 35th Street along the area to be widened and paved and such widening and paving will greatly enhance the value of said state owned lands; and,

WHEREAS, the City of Austin must have additional right of way to permit the widening of West 35th Street before it can proceed with its plans for such paving and widening of said street, such additional right of way being described as follows:

For Street Purposes

Two (2) strips of land each fifteen (15) feet in width, each being out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, each of the said strips of land lying adjacent and parallel to the north line of West 35th Street, the strip of land hereinafter described as No. 1 being out of and a part of that certain tract of land conveyed to the State of Texas by deed dated May 20, 1935 of record in Volume 520, Page 619, Deed Records, Travis County, Texas, and the strip of land hereinafter described as No. 2 being out of and a part of that certain

tract of land which was conveyed to the State of Texas by deed dated May 18, 1935 of record in Vol. 520 at Page 615, deed records, Travis County, Texas, each of the said strips of land being more particularly described as follows:

(1) The south fifteen (15) feet of said tract of land conveyed to the State of Texas by deed of record in Vol. 520 at Page 619, Deed Records, Travis County, Texas;

(2) The south fifteen (15) feet of said tract of land conveyed to the State of Texas by deed of record in Vol. 520 at Page 615, Deed Records, Travis County, Texas; Now, Therefore,

Be it resolved by the House, the Senate concurring:

That in consideration of the benefits which will accrue to the State of Texas by reason of widening or extension of the streets described herein, and by reason of the creation or improvement of the storm and sanitary sewers described herein there is hereby dedicated and granted to the City of Austin for the purposes indicated, the above described tracts of land."

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor noted that MR. W. S. DRAKE was one among a group of merchants to be cited on May 3rd as Brand Name Retailer for the Year. A proclamation setting out "Brand Name Week" was to be signed.

Councilman Pearson asked about the recommendation from the Parks Board about the Junior Golf Course, and should the Council give an answer. The Mayor suggested that the Recreation Director get a report on it, and possible talk with Mr. Penick.

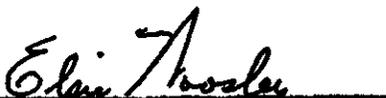
There being no further business the Council adjourned at 4:30 P.M. subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk